



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via E-Mail and First Class Mail

**JUN 28 2013**

Karl J. Sandstrom, Esq.  
Perkins Coie  
700 Thirteenth Street, NW  
Suite 600  
Washington, DC 20005

RE: MUR 6727  
Friends of Weiner and Nelson Braff,  
in his official capacity as treasurer

Dear Mr. Sandstrom:

On June 24, 2013, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

*Dominique Dillenseger*  
Dominique Dillenseger  
Attorney

Enclosure  
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Friends of Weiner and Nelson Braff  
in his official capacity as treasurer

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MUR 6727

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OFFICE OF THE CLERK  
FEDERAL ELECTION COMMISSION

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (the "Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Friends of Weiner and Nelson Braff in his official capacity as treasurer, ("the Committee" or "Respondents") violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended, (the "Act").

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Friends of Weiner was the principal campaign committee of Anthony D. Weiner during the 2012 election cycle.

2. Nelson Braff is the treasurer of Friends of Weiner.

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3. Under the Act an individual may not make a contribution to a candidate with respect to any election in excess of the limits at 2 U.S.C. § 441a(a)(1)(A). Candidates and political committees are prohibited from knowingly accepting excessive contributions. *See* 2 U.S.C. § 441a(f). The contribution limits are applied separately with respect to each election. *See* 2 U.S.C. § 441a(a)(6); 11 C.F.R. § 110.1(j). A primary election and general election are each considered an "election." *See* 2 U.S.C. § 431(1)(A); 11 C.F.R. § 100.2.

4. The Commission's regulations permit a candidate's committee to receive contributions for the general election prior to the primary election. *See* 11 C.F.R. § 102.9(e)(1). If, however, the candidate does not become a candidate in the general election, the committee must: (1) refund the contributions designated for the general election; (2) redesignate such contributions in accordance with 11 C.F.R. §§ 110.1(b)(5) or 110.2(b)(5); or (3) reattribute such contributions in accordance with 11 C.F.R. § 110.1(k)(3). *See* 11 C.F.R. §§ 102.9(e)(3), 110.1(b)(3)(i), 110.2(b)(3)(i).

5. The Committee accepted contributions totaling \$66,700 that were designated for the 2012 general election but were not redesignated, reattributed, or refunded within 60 days after the candidate's withdrawal from the primary. A review of the Committee's disclosure reports shows that each general election contributor had already contributed the maximum amount allowable for the primary election, and therefore these contributions became excessive when the candidate did not become a candidate in the general election and did not redesignate, reattribute, or refund the contributions within 60 days. The Committee contends that after the Congressman's withdrawal from the primary election, it refunded general election contributions to all those who requested a refund and operated on a good faith but mistaken belief that it could

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use the remaining general election contributions (\$66,700) for other purposes, including winding down costs.

V. Respondents violated 2 U.S.C. § 441a(f) by failing to refund general election contributions following the Congressman's withdrawal from the primary election.

VI. Respondents will take the following actions:

1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Twenty Thousand Dollars (\$20,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondents will cease and desist from violating 2 U.S.C. § 441a(f).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

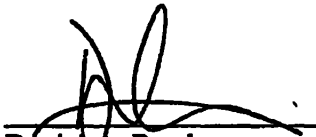
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X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:


Anthony Herman  
General Counsel

BY:

  
Daniel A. Petalas  
Associate General Counsel  
for Enforcement

June 25, 2013  
Date

FOR THE RESPONDENTS:

  
Name: ~~Karl J. Sandstrom~~  
Position: Counsel for the Respondent

May 20, 2013  
Date

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 22, 2013

**TWO WAY MEMORANDUM**

TO: OGC Docket  
FROM: Gwen Holmes *GH*  
Accounting Technician

SUBJECT: Account Determination for Funds Received

We recently received a check from **Friends of Weiner**. The check is number **81207551-2** dated **May 8, 2013** in the amount of **\$20,000.00**. A copy of the check and all correspondence are attached. Please indicate below which account the funds should be deposited and give the MUR/Case number and name associated with the deposit.

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TO: Rosa E. Jones  
Accounting Technician

FROM: OGC Docket

SUBJECT: Disposition of Funds Received

In reference to the above check in the amount of \$ 20,000.00,  
the MUR/Case number is 6727 and in the name of Friends of Weiner.

Please this deposit in the account indicated below:

XX Civil Penalties Account, 95-1099.160

       Miscellaneous Receipt Account, 95-3220.160  
(Disgorgement)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
May 22, 2013

\_\_\_\_\_  
Date

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